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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THERESA M. O'BRIEN,
Plaintiff,

vs.

JANET NAPOLITANO, SECRETARY,
DEPARTMENT OF HOMELAND
SECURITY,
Defendant.

Case No.: CV-10-1830 EDL

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME FOR
DEFENDANT'S RESPONSE TO
COMPLAINT AND OTHER CASE
MANAGEMENT DATES**

WHEREAS plaintiff THERESA M. O'BRIEN filed her EEO complaint on December 23,
2009; and,

WHEREAS plaintiff's administrative remedies would be deemed exhausted 180 days

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1 after she filed her EEO complaint, on June 22, 2010, and plaintiff would then be entitled to file a
2 complaint in District Court; and

3 WHEREAS plaintiff filed this action on April 28, 2010, before expiration of the statutory
4 180-day period for filing a lawsuit; and

5 WHEREAS a re-filed lawsuit would likely be a related case under Northern District
6 Local Rule 3-12(a) that would most likely be transferred to the same Judge originally assigned to
7 this action;

8 The parties, by and through their respective attorneys, after meeting and conferring
9 regarding FRCP 26 dates, hereby stipulate as follows:

10 That defendant reserves all defenses, including failure to exhaust, and shall have 60 days
11 from June 22, 2010 to respond to plaintiff's complaint. Additionally, the parties request the
12 Court to continue the initial case management conference, currently calendared for August 10,
13 2010, by 60 days. However, the parties are not adverse to engaging in an early alternative
14 dispute resolution process ("ADR") and agree that the current July 20, 2010 deadline to file
15 either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference shall remain
16 in effect absent further order from the Court.

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18 Dated: June 29, 2010

By:



LISA P. MAK
Attorneys for Plaintiff

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23 JOSEPH P. RUSSONIELO
United States Attorney

24 Dated: June 29, 2010

/s/
by THOMAS R. GREEN
Assistant United States Attorney

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28 STIPULATION AND [PROPOSED] ORDER TO EXTEND
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~~PROPOSED~~ ORDER

It is so ordered as stipulated above.

Dated: July 1, 2010, 2010

Elizabeth D. Laporte

Magistrate Elizabeth D. Laporte

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